IN THE HIGH COURT OF JUDICATURE AT JABALPUR

CF 25 h

0v02

W.P. No. 920 /97.

Petitioners : 1. Krishna Narain Agfawal,
S/o Shri Ram Narain Agrawal,
(Since deceased),
through Legal Representatives:-

1. Gopal Agrawal,
S/o Late Shri Krishna
Narain Agrawal,

2. Murari Agrawal,
S/o Late Shri Krishna
Narain Agrawal,

3. Smt. Maya Devi Agrawal,
Widow of late Shri Krishna
Narain Agrawal,

All residents of Gondpara,
Bilaspur, Tehsil and
District:Bilaspur (MP).

versus

Respondents : 1. Union of India through
General Manager,
South Eastern Railway,
Garden Reach,
Calcutta (West Bengal)

2. Divisional Railway Manager
South Eastern Railway,
Bilaspur (MP).

3. Estate Officer,
South Eastern Railway cum
Estate Officer,
Under Section 3 of the
Public Premises (Eviction
of Unauthorised Occupants)
Act, 1971, Bilaspur (MP).

4. The District Judge Cum
Appellate Authority
Under Section 9 of the
Public Premises (Eviction
of Unauthorised Occupants)
Act, 1971, Bilaspur (MP).

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PETITION UNDER ARTICLES 226/227 OF THE

CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

0071

आदेश पत्रक

मामला क्रमांक WP 820/97 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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**06-04-2005**

Shri Manindra Shrivastava, Sr. Advocate with Shri Ashish Gupta, counsel for the petitioner.

Shri Vinay Harit, Sr. Advocate with Smt. Preeti Budhia, Shri counsel for the respondents/Railways.

Heard on I.A.No.2230/2005.

Learned for the petitioner submits that the petitioner Krishna Narayan Agrawal expired during pendency of the instant writ petition. He prays for substituting the petitioner's son namely Gopal Agrawal as one of his legal representative. The application is supported by an affidavit of Gopal Agrawal, S/o Late Krishna Narayan Agrawal, Aged about 46 years, R/o Gond Para, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh).

The prayer is not opposed by learned counsel for the respondents/Railways.

For the reasons stated in the application (I.A.No. 2230/2005), the same is allowed. Let the name of Gopal Agrawal be substituted in the instant petition as legal representative of petitioner Krishna Narayan Agrawal.

Heard.

Learned counsel for the petitioner submits the petitioner has filed an affidavit regarding allotment of plots/ shops. Paras 3, 4 and 5 of the affidavit are relevant and quoted below :

*"3. I say that, in the aforesaid meeting dated 15-3-2005, which was attended by me also, a map was shown to me and to*

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आदेश पत्रक

मामला क्रमांक WP 820/97 सन् 200

विरुद्ध

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*other shopkeepers identifying the location of the plots. I was shown a plot admeasuring 672 sq. ft. proposing allotment of the same to me. Myself and other shopkeepers were proposed plots according to their existing requirements and all of them agreed to the proposal of the Railway Authority and they have also signed the minutes giving their consent to shift their business to the alternative plots.*

*4. I say that if the alternative plot is given to me as proposed in the meeting dated 15-3-2005, I shall shift my business to the new plot. I would require some time so that I can immediately construct my shop at the alternative plot and as soon as my shop is constructed I shall shift my business to the new plot.*

*5. That, I am a handicapped person and suffer from 55% disability."*

Learned counsel for the respondents/Railways very fairly submitted that the petitioner is being considered for allotment of alternative plot as he is still occupying the plot/shop in the Railway Station circulating area. He also submits that till finalization of the case of the petitioner for allotment of alternative plot, the Railway Administration has no immediate plans for evicting the petitioner.

The statement made by learned counsel for the respondents/Railways is recorded.

In view of the aforesaid affidavit/statement, the respondents/Railways is directed to decide the matter regarding allotment of the alternative plot/shop to the

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आदेश पत्रक

मामला क्रमांक WP 820/97 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -3- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | petitioner as early as possible preferably within a period of one month.<br>Subject to the aforesaid observations and directions the petition stands disposed of.<br>Consequently, pending applications, if any, also stand disposed of.<br>Certified copy as per rules after substitution of Gopal Agrawal as legal representative of petitioner Krishna Narayan Agrawal.<br>**Sd/-**<br>**Fakhruddin**<br>**Judge** | |
| Gowri | | |

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